

FILED

JUN 7 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LOU ANN VARGAS,

Plaintiff - Appellant,

v.

NEW YORK LIFE INSURANCE
COMPANY, et al.

Defendants - Appellees.

No. 04-16282

D.C. No. CV-02-01043-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Argued and submitted May 16, 2006
San Francisco, California

Before: RYMER and WARDLAW, Circuit Judges, and SELNA**, District Judge.

We AFFIRM for the reasons stated by the district court.

AFFIRMED.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The Honorable James V. Selna, United States District Judge for the Central District of California, sitting by designation.